

REMARKS

By the foregoing Amendment, Claims 16-23 are cancelled. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

The amendments to the Specification filed on June 9, 2003 (i.e., the ones originally filed on March 8, 2002) are objected to under 35 U.S.C. 132 as introducing new matter into the disclosure. Specifically, the Examiner states that "[t]he added material which is not supported by the original disclosure is as follows: the total amount of fungible precious metal represented by the plurality of electronic data files is less than or equal to the quantity of fungible precious metal stored in the secure facilities." Applicants respectfully disagree, and submit that no new matter has been added. Immediately following is a detailed description specifically setting forth how the above subject matter does not constitute new matter, as well as how far back in the priority chain the subject matter in question can be traced (as requested by the Examiner).

The current application, as originally filed, contains the following disclosure: "The sum total of all circulating ecoins (denominated in physical measures such as weights such as grams and/or ounces and fractions thereof) will equal the weight of all the gold held for safekeeping at the storage site(s) for the users of the emint." (see Abstract of present application as originally filed). Applicants respectfully

submit that this disclosure in and of itself provides adequate support for the subject matter in question, and since it was present when the application was originally filed, cannot be considered new matter. Thus, the subject matter in question finds support going back to the filing date of the present application (i.e., June 28, 1999). It should also be noted that the above-quoted subject matter was present verbatim in U.S. Patent Application No. 08/921,760 ("the '760 application") (now U.S. Patent No. 5,983,207), from which the present application claims divisional status. (see Abstract of the '760 application). A such, the subject matter in question finds support going back to the filing date of the '760 application (i.e., August 26, 1997).

Moreover, this same subject matter can be traced back to U.S. Patent Application No. 08/465,430 ("the '430 application") (now U.S. Patent No. 5,671,364) by virtue of the fact that the '760 application (of which the present application is a divisional application) is a continuation-in-part of the '430 application. Specifically, the '430 application contains the following disclosure: "The balance sheet of GCH reflects (1) the cumulative deposits of its system users, which are liabilities of GCH, and (2) the identical amount of gold as its assets. GCH's financial position is presented in Table No. 1." (see column 6, lines 47-62 of U.S. Patent No. 5,671,364). The '430 application further discloses that: "GCH uses a tangible asset (i.e., a defined weight of gold) as the basic monetary

unit of account. GCH is a clearing house with assets that are identical to its liabilities. In other words, GCH does not monetize debts and thereby turn the debt obligations of borrowers into currency. GCH will have on hand as an asset the total weight of gold it owes to its depository clients." (see column 8, lines 59-65 of U.S. Patent No. 5,671,364).

Thus, the '760 application (of which the present application is a divisional application) was a continuation-in-part of the '430 application, the subject matter of concern was indeed part of the subject matter which was shared by both the parent (the '430 application) and its continuation-in-part child (the '760 application). As such, the subject matter in question finds support going back to the filing date of the '430 application (i.e., June 5, 1995).

Furthermore, it should also be noted that the above-quoted subject matter of the '430 was present verbatim in U.S. Patent Application No. 08/015,588 ("the '588 application") (now abandoned), from which the '430 application claimed continuation-in-part status. (see page 13, lines 14-26 and page 18, lines 8-15 of the '588 application). As such, the subject matter in question finds support going back to the filing date of the '588 application (i.e., February 10, 1993).

Even if the Examiner believes that the subject matter in question can not be traced back to the '430 application by virtue of the fact that the '760 application (of which the present application is a divisional application) is a continuation-in-part of the '430 application because the wording is slightly different, even though the teachings are not, the present application as well as its parent, the '760 application, explicitly incorporated by reference the entire disclosure of the '430 application (see page 3, lines 4-7 of the present application as originally filed; see column 2, lines 2-7 of U.S. Patent No. 5,983,207).

Incorporation by reference is a well-settled practice that is explicitly approved of by the United States Patent Office. Section 2163.07(b) of the MPEP recognizes this fact as follows:

Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. Replacing the identified material incorporated by reference with the actual text is not new matter. See MPEP § 608.01(p) for Office policy regarding incorporation by reference.

(emphasis added). Thus, since all matter contained in the '430 application was incorporated by reference into the present application as filed (and in the '760 application, of which the present application is a divisional), it is not only by tracing through continuation-in-part status that the subject matter finds its way into the

patent application filed March 8, 2002). Applicants respectfully submit that this disclosure provides sufficient disclosure to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants also respectfully submit that this disclosure does not constitute new subject matter for the reasons set forth above.

Claims 12 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rosen (U.S. Patent No. 5,453,601), Claims 12 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by either Doggett et al. (U.S. Patent No. 5,677,955) or Simon (U.S. Patent No. 5,768,385), and Claims 12, 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay et al. (U.S. Patent No. 5,285,383). Applicants respectfully traverse these rejections.

Each of the above prior art rejections explicitly ignores the limitation of Claim 12 which requires that "the total amount of fungible precious metal represented by the plurality of electronic data files is less than or equal to the quantity of fungible precious metal stored in the secure facilities" because the Examiner has stated a belief that the claim limitation is not supported by the Specification. Indeed, it appears that the Examiner himself recognizes that none of the cited prior art references disclose, teach or suggest the limitation. However,

for the reasons set forth above, Applicants respectfully submit that the claim limitation in question is, in fact, supported by the Specification. As such, the claim limitation is not properly ignored, and Claims 12, 13 and 15 are not properly rejected.

For the foregoing reasons, Applicants respectfully submit that all pending claims, namely Claims 12, 13 and 15, are patentable over the references of record, and earnestly solicit allowance of the same.

Respectfully submitted,



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